

Dominick Acale

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1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA, :

05-CR-060 (S-11)

5 -against-
6

United States Courthouse

7 : Brooklyn, New York

8 VINCENT BASCIANO,

9 Defendant.

: May 3, 2011

11:30 o'clock a.m.

10 - - - - - X
11 TRANSCRIPT OF TRIAL
12 BEFORE THE HONORABLE NICHOLAS G. GARAUFIS
13 UNITED STATES DISTRICT JUDGE

14 ATTORNEYS FOR GOVERNMENT:

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15 UNITED STATES ATTORNEY

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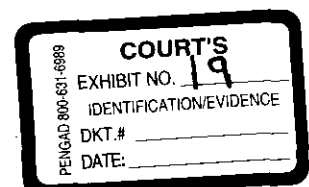
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23 276 Fifth Avenue

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Cicale - direct/ Argentieri

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1 A [REDACTED]

2 [REDACTED]

3 Q Prior to Basciano's arrest had you discussed his
4 potential arrest with him?

5 A Yes, I have.

6 Q What did he say?

7 A Vinny Basciano had myself and Michael Mancuso together,
8 and Vinny Basciano stated if he gets arrested that
9 Michael Mancuso would have the last word on the street, and I
10 was to back Michael with everything. Whatever he will do I
11 was to back him. If he needs support I was to back him. I
12 was to collect all monies and I know what to do with them.

✓ 13 ~~VIN~~ Vinny Basciano instructed Michael to give me all monies --
14 Christmas money, war chest money and I know what I have do
15 with it.

16 Q What, if anything, did the defendant say about how The
17 Family should carry on?

18 A Vinny Basciano also told us that nothing skips a beat.
19 That was his terminology as far as everything moving forward.

20 Q On how many occasions prior to his actual arrest did you
21 discuss the defendant's potential arrest?

✓ 22 A There was numerous times. Vinny Basciano's the type to
23 always prepare for the worst. So ever since I have known him
24 he always set up for his arrest.

25 Q What was your understanding of why the defendant put

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1 these plans into place?

2 A This way Vinny Basciano would still have control of the
3 Bonanno Crime Family.

4 Q You said that you were going to be in charge of money?

5 A Yes, ma'am. That's correct.

6 Q And not Michael Nose?

7 A That's correct.

8 Q What was your understanding of why you were being put in
9 charge of the money?

10 A Because Vinny Basciano knew I was honorable. Whatever
11 monies came in he would get everything. He won't be shorted.

12 Q What, if anything, did the defendant tell you about who
13 you should collect money from?

14 A Vinny Basciano informed me to collect money from
15 everybody in the crew. Also, all the guys who were around
16 him. Also, from Louie Electric and Louie Electric's crew, and
17 also Michael Mancuso, to get that money he would have.

18 Q What, if any, discussion did you have with the defendant
19 prior to his arrest about collecting Christmas money?

20 A The discussions I had with Vinny Basciano was to collect
21 all Christmas monies, and then go meet Alfred, and give it to
22 Alfred -- the monies, whatever monies I had, Christmas and war
23 chest money.

24 Q What is war chest?

25 A War chest money is each individual, each made member in

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1 the Bonanno Crime Family, has to give \$100 a month and that
2 goes to the boss, and it is set aside for whoever gets
3 arrested, their lawyers, or if somebody needs money in the
4 crime family they'll put out a loan for low interest payment.

5 Q Did you ever have discussions about with the defendant
6 about who was going to pay for his lawyers if he was arrested?

7 A Yes, ma'am.

8 Q Were you present at a meeting with defendant and others
9 about that?

10 A Yes I was.

11 Q With who?

12 A The meeting was with Vinny Basciano, myself, Robert Van Zandt
13 ~~Dam~~ Sr., and Robert Van Dam Jr.

14 Q What did the defendant tell you should happen if he were
15 arrested?

16 A Vinny Basciano told me to make sure that the Van ~~Dams~~ Zandts
17 come up with the retainer for Ben Brafman.

18 Q Directing your attention to 2004, who did the defendant
19 tell you, you should collect from for Christmas?

20 A Vinny Basciano informed me to collect from Fat Frankie
21 Esposito, Terry, Louie Electric, ^{Allie Indelicato} ~~Alley~~ Melicato (ph), Lenny
22 Casper, bunch of people, ^{Allan} ~~Allen~~, Fat Larry.

23 Q Did the defendant tell you how much you were to collect
24 from each person?

25 A Yes, ma'am, he did.

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1 Q What, if any, discussion did you have with the defendant
2 about Joker-Poker money?

3 A I was to collect -- well, once a month -- also, I was to
4 collect 25,000 from Sally Daz for Christmas. Pertaining to
5 the Joker-Poker money, to best of my recollection I think it
6 was about 4,000 a month Sally Daz would give to me and I would
7 pay the mortgage on the house that Vinny Basciano had gotten
8 for his girlfriend Debbie Kalb that was in my name.

9 Q When did you buy a house for Vincent Basciano's
10 girlfriend Debbie Kalb?

11 A Approximately sometime I think it was 2003.

12 Q Where was the house?

13 A The house was in New City, New York.

14 Q Did you discuss that with the defendant why you had to be
15 by Ms. Kalb a house?

16 A Yes, ma'am.

17 Q What did he tell you?

18 A Vinny Basciano wanted to get his girlfriend Debbie Kalb
19 of the neighborhood because he had a child with her, and
20 Vinny Basciano didn't want his wife running into ^{Debbie} ~~Deb~~ Kalb with
21 the child.

22 Q [REDACTED]

23 [REDACTED]

24 A [REDACTED]

25 Q [REDACTED]

Cicale - direct/ Argentieri

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1 A [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A [REDACTED]

5 Q [REDACTED]

6 [REDACTED]

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

✓ 10 A [REDACTED] Zandt

11 Q [REDACTED] Zandt

✓ 12 A [REDACTED] Zandt

13 [REDACTED]

14 [REDACTED]

✓ 15 Q [REDACTED] Zandt

16 A [REDACTED]

17 Q Who else did you call that day?

18 A I also paged Michael Mancuso.

19 Q Why did you page Michael Mancuso?

20 A To let him know that Vinny had just gotten arrested.

21 Q When, if ever, did you meet with Mancuso that day?

22 A Shortly thereafter the page I met with Mr. Mancuso, and I
23 informed to him that Vinny was just arrested. The
24 conversation, Michael Mancuso was asking me do I know what he
25 was arrested for. I said, no, not at this time. And we just

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1 basically had a brief conversation, and Michael Mancuso said,
2 all right. When you find out what Vinny's charges are, get in
3 touch with me, and we will meet again. I said all right. He
4 told me to be careful.

5 Q

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16 Q

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Cicale - direct/ Argentieri

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 Q After you met with the Tommy Lee, who else did you meet
10 with?

11 A It was the next day I met with Michael Mancuso, again for
12 the second time.

13 Q What happened when you met with Michael Mancuso for the
14 second time?

15 A I informed Mr. Mancuso what Vinny Basciano was arrested
16 for.

17 Q What, if anything, did he say to you?

18 A When I told Mr. Mancuso, I said Vinny Basciano -- they
19 arrested Vinny on the murder of Frank Santoro. Michael passed
20 a statement: You're lucky you didn't get arrested. And I
21 said what are you talking about. And Michael gave me a snicker
22 and just laughed.

23 Q When Michael Mancuso said that to you what was your
24 understanding of what he was referring to?

25 A Michael Mancuso was aware that I was one of the

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1 participants in Frank Santoro's homicide.

2 Q Had you ever told him that before, had you ever told
3 Michael Nose about your role in the Santoro murder?

4 A No, ma'am.

5 Q After you and Michael Nose discussed the defendant's
6 arrest, what else was discussed during that conversation?

7 A Michael wanted to know if everything was okay. I said
8 everything's fine. I got everything under control. Michael
9 was asking about monies, what we had going on in the street. I
10 said I have everything under control. Everything's all right.
11 Michael then stated make sure he goes -- is there anything in
12 the works, anybody getting hurt or anything. I said no. He
13 said make sure nothing happens. I want to be aware of
14 everything, and basically that was our conversation, and I
15 said stay close, stay in touch. And we left basically from
16 there.

17 Q When Michael Nose asked you if anything was in the works,
18 what was you are understanding of what he was asking you?

19 A Michael Nose wanted to know if there was any type of
20 violent acts supposed to be happening. Just Michael said he
21 wanted to be aware if there's anything, and I told him, no,
22 there's nothing in the works.

23 Q Is that true?

24 A No, it wasn't true.

25 Q What was in the works?

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1 A The murder of Randy Pizzolo and the murder of
2 Joe Bonelli.

3 Q Why didn't you tell that to Michael Mancuso?

4 A Because if he didn't know I wasn't going to tell him and
5 I didn't want Randy dead..

6 Q Were you afraid at that point in time to disobey the
7 defendant's order to kill Randy?

8 A No, ma'am, I wasn't.

9 Q Why not?

10 A I felt Vincent Basciano would understand. I'm the last
11 one out there for him. They just arrested -- he was just
12 arrested, and so was Anthony Donato. So why would I draw more
13 heat to myself, and I figured it would be a good argument to
14 him and he would understand that. You know, I'm the last
15 thing out there, and by me killing Randy it would bring a lot
16 of heat on me, and at that point in time I didn't need heat.

17 Q [REDACTED]
18 [REDACTED]

19 A [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Q [REDACTED]

23 A [REDACTED]

24 (Continued on next page)

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1 EXAMINATION CONTINUES

2 BY MS. ARGENTIERI:

3 Q [REDACTED]

4 A [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q [REDACTED]

8 A [REDACTED]

9 [REDACTED]

10 Q When was the next time that you met with Michael Mancuso?

11 A The next time might have been a few days after that
12 second time I met with him.

13 Q What happened at that meeting?

14 A At that meeting, we spoke a little bit. He asked again
15 is everything all right. And then Michael Mancuso went on to
16 tell me that thing with Randy, make sure it gets done and
17 nothing skips a beat and if anybody has anything to say, I
18 gave you the order. I responded okay.

19 Q What was your understanding of what Michael Nose was
20 talking about?

21 MR. GOLTZER: Objection.

22 THE COURT: Overruled.

23 A Michael Nose was talking about the hit on Randy Pizzolo.

24 Q How did he describe it, that thing with Randy?

25 A Yes, ma'am, that's correct.

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Cicale - direct - Argentieri

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1 Q Did he say anything else?

2 A Yes, ma'am, he did.

3 Q What else?

4 A He said nothing skips a beat and he says if anybody has
5 anything to say, I gave you the order.

6 Q Who else had you used -- who else had you heard use the
7 expression nothing skips a beat?

8 A Vinny Basciano.

9 Q [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q [REDACTED]

18 [REDACTED]

19 A [REDACTED]

20 [REDACTED]

21 Q [REDACTED]

22 A [REDACTED]

23 Q [REDACTED]

24 [REDACTED]

25 A [REDACTED]

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Q After Randy Pizzolo's murder, did you meet with Michael Mancuso?

A I met with Michael Mancuso the day that the murder was put in the newspapers.

Q Where?

A I met with Mr. Mancuso in the Country Club section of the Bronx.

Q What happened during that meeting?

MR. GOLTZER: Objection, as post termination of the alleged conspiracy.

THE COURT: I will allow it.

You may answer.

A At that meeting, I said hello to Michael. I asked him if he read the newspaper. He said yes. I said well, word on the

Cicale - direct - Argentieri

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1 street, it's a drug deal that went bad. And that was
2 basically it. He shook his head. I told him, I said look
3 into it. You know, put that word out there.

4 And, oh, then after, that I had a discussion with
5 him about the funeral. I asked Michael, I says, listen, I was
6 close with Randy. He asked me to be the godfather to his
7 child. I had businesses with him. We were very close. I
8 know I am not supposed to go to funerals but it would look
9 suspicious if I don't show up. I feel I should show up for
10 maybe 15, 20 minutes and then depart. Otherwise, it's going
11 to look really suspicious. I was too close to Randy.

12 So Michael thought about it a few seconds and he
13 agreed. He said go ahead, go. That would be the best thing
14 to do.

15 And that was basically it and I left.

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Cicale - direct - Argentieri

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Q What did you understand the defendant to mean when you

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Cicale - direct - Argentieri

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1 got that message?

2 A That all the messages that I was getting were coming from
3 Vinny and Joe Massino, that they were together in MDC Brooklyn
4 together.

5 Q Who were you giving these messages to?

6 A I was passing the messages on to Michael Mancuso because
7 Michael Mancuso had the last word on the street at that time.

8 Q You said the messages were about money?

9 A Yes, ma'am, that's correct.

10 Q And about what was going on in the street?

11 A Yes, ma'am, that's also correct.

12 Q After the defendant's arrest, did you receive direction
13 from him through these messages about family business?

14 A Yes, ma'am, I did.

15 Q What messages?

16 A I received a message to go ahead and straighten out Joey
17 Gambini. I received a message to bump Louie Electric up from
18 an acting captain to an official captain. And I had received
19 a message to take three members -- three old-timers that were
20 in Louie Electric's crew and transfer them over to Nickey
21 Santora's crew.

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Cicale - direct - Argentieri

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21 Q After the defendant's arrest, how often did you see
22 Michael Mancuso?

23 A I would say, a couple of times a week. And sometimes
24 more so if I would receive a message.

25 Q What did you do with the messages that you received from

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Cicale - direct - Argentieri

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1 the defendant?

2 A I was passing them along to Mr. Mancuso.

3 Q You said some of the messages referred to moving people?

4 A Yes, ma'am, that's correct.

5 Q Who were you told to move?

6 A I was instructed to tell Michael Mancuso to move three
7 soldiers out of Louie Electric's crew and put them in Nickey
8 Santoro's crew.

9 Q What happened when you passed these messages on to
10 Michael Nose?

11 A By that time, Michael Mancuso wasn't accepting any
12 messages.

13 Q By what time?

14 A By the time I gave him that message about transferring
15 guys from Louie Electric's crew to Nickey Santoro's crew.

16 Q After the defendant's arrest, did Michael Nose accept any
17 messages from you?

18 A Yes, he did.

19 Q Messages from the defendant?

20 A Yes, he did, that's correct.

21 Q For how long did Michael Nose accept the defendant's
22 messages from you?

23 A I don't know. Because there was some messages -- all the
24 money messages he was accepting and then other messages he
25 wasn't. It -- it came to a point that Michael Mancuso wanted

Cicale - direct - Argentieri

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1 to know where I was getting these messages from, who was
2 giving me the messages. And I explained to Michael, I am not
3 at liberty to tell you at this time. I was instructed the no
4 uncertain reasons to divulge that information. With that
5 Michael was getting irritated and aggravated and I tried to
6 explain to him listen, Michael, I'm just a messenger. Please,
7 don't get mad at me. If you were getting messages from Joe
8 and Vinny, you wouldn't -- and they are telling you to do
9 something, you are going to listen to them. I could get
10 killed here if I don't listen to them.

11 And Michael was just adamant. I want to know where
12 these messages are coming from. Otherwise, I am not going to
13 accept them. And we were just going back and forth with that
14 and you know, it was ridiculous at that time.

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Cicale - direct - Argentieri

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2 Q At some point did the defendant send a written message
3 out?

4 A Yes, ma'am, he did.

5 Q Who did you receive that written message from?

6 A I received it from Tommy Lee.

7 Q Did you read it?

8 A I was instructed to read it, yes, ma'am.

9 Q What did it say?

10 A It was a letter from Vinny Basciano, telling Michael
11 Mancuso, relax. Take things slowly. Listen to Dominick. I'm
12 with Joe. Stay close to Dominick. Take things very slowly.
13 I want you and Dominick to get along. Don't overreact on
14 things. You's (sic) two have to get along. There were some
15 messages in there about monies that Michael should collect and
16 that was basically it.

17 Q What, if anything, did the letter say about why Vinny was
18 communicating through you and not Michael?

19 A It also stated that the reason being that I was the
20 go-between was the fact Vinny Basciano wasn't looking to draw
21 more attention on to Michael, put Michael in the spotlight.

22 Q Did you give that written message to Michael?

23 A I was instructed that after reading the letter, if I felt
24 it necessary, I could give it the Michael or if I didn't feel
25 it necessary, I didn't have to give it to Michael. So I chose

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Cicale - direct - Argentieri

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1 to give Michael Mancuso the letter and have him read it.

2 Q Did he read in it front of you?

3 A Yes, ma'am, he did.

4 Q What, if anything, did he say to you after he read the
5 letter?

6 A Michael Mancuso laughed. He says yeah, I recognize -- I
7 says, do you -- you understand everything he's saying? He
8 says, yeah. I could tell it's from him. I notice his small
9 handwriting.

10 And with that we just had a basic conversation.

11 Michael Mancuso then left, took the letter, and that was it.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q [REDACTED]

19 A [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q Prior to that, did you receive a message from the
23 defendant about Louie Electric?

24 A Yes, ma'am, I did.

25 Q What was the message?

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Cicale - direct - Argentieri

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1 A The message was to bump Louie Electric up from an acting
2 captain to an official captain.

3 Q Did you meet with Michael Nose after receiving that
4 message?

5 A Yes, ma'am, I did.

6 Q Who else was there?

7 A I had Louie Electric with me in the car.

8 Q What happened?

9 A I got out of the vehicle first to speak to Michael
10 Mancuso and I informed Mr. Mancuso about I just received a
11 message from Vinny and Joe and they want to bump Louie
12 Electric up from an acting captain to an official captain and
13 I'm giving you the message for you to perform it.

14 And Michael told me I am not accepting the message.

15 Q What did you do when Michael told you he would not accept
16 the defendant's message?

17 A I reiterated to Michael that he was given this message.
18 Are you going to perform it? And Michael said no.

19 And then I added to Michael well, I was also told if
20 you don't do it, I am to do it.

21 So with that, I had Louie Electric exit the vehicle
22 and I told him Louie, this is coming from Vinny and Joe. From
23 this day forward you're now an official captain in the Bonanno
24 Crime Family. Michael doesn't want to accept the message and
25 I was instructed to bump up to an official captain if he

Cicale - direct - Argentieri

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1 didn't want to do it.

2 Then I introduced Louie Electric as an official
3 captain to Michael Mancuso. Michael shook his hand. And
4 Michael said, I still got to check into it. And I said go
5 ahead. But right now he's an official captain. And Michael
6 congratulated him and that was it.

7 Q You promoted Louie Electric?

8 A Yes, ma'am, that's correct, on the orders of Vinny
9 Basciano.

10 Q Did you also receive an order related to moving people
11 from one crew do another?

12 A Yes, ma'am, I did.

13 Q Did you communicate that message to Michael?

14 A Yes, ma'am, I did.

15 Q Did he accept it?

16 A Michael Nose did not accept the message.

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Cicale - cross - Goltzer

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15 Q So as of the time that those instructions were
16 communicated -- by the way, you say Mr. Basciano had told you
17 to do it, right?

18 A No. I said Mr. Basciano ordered me to do it.

19 Q After he ordered you to do it, he was arrested, is that
20 correct?

21 A Yes, sir, that's correct.

22 Q And you had decided to disobey whatever he ordered you to
23 do?

24 A I decided at that point in time it would be the right
25 decision to take it off the table, yes, sir.

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Cicale - cross - Goltzer

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1 Q You did that?

2 A Yes, sir, I did.

3 Q Notwithstanding his order?

4 A At that time I felt that was the best decision, that's
5 correct, sir.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q As of the time that you took the order off, it was your
13 belief that Randy Pizzolo was going to be alive, is that
14 correct?

15 A Yes, sir, that's correct.

16 Q As of the time that you took the order off, it was your
17 understanding that nobody in your crew was going to take care
18 of or hit or murder Randy Pizzolo, correct?

19 A Yes, sir, that was correct.

20 Q And as of the time that you instructed your underlings
21 not to kill Randy Pizzolo, as far as you were concerned, it
22 was over?

23 A Yes, sir, it was over.

24 [REDACTED]

25 [REDACTED]

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Cicale --cross - Goltzer

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3 Q As far as you were concerned, any plan was over?

4 MS. ARGENTIERI: Objection, Judge.

5 Q Is that correct?

6 THE COURT: You may answer.

7 A I had taken the plan off the table.

8 Q Because --

9 A I had called it off.

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15 Q Do you say that before Vincent Basciano was arrested,

16 there was a plan to kill Randy Pizzolo?

17 A Before Vinny Basciano was arrested, Vinny Basciano

18 ordered me to have Randy Pizzolo killed.

19 Q And you -- and you formulated a plan?

20 A I formulated a plan with Vinny Basciano, that's correct.

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